

COMMONS

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EDUCATION ISSUE

DAVID J. O'BRIEN

SEX (HOW ABOUT LOVE?) ON CATHOLIC CAMPUSES:

A Provocation and
five responses

PAUL F. X. COVINO
MAUREEN O'SULLIVAN
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THE CURRAN CASE: JUDGMENT DAY

EXCERPTS FROM THE
COURT DECISION
JUDGE FREDERICK WEISBERG

The Editors
VERDICTS YET TO COME

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on Freud

DENNIS O'BRIEN
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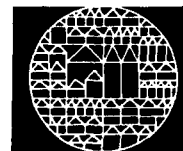
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COMMONWEAL



Verdicts yet to come

As a practical and legal matter, the Curran case is over. The trial of Catholic University and, in a broader perspective, Catholic higher education and the Catholic church is not. The victory of Catholic University over Father Charles E. Curran was distinctly Pyrrhic. District of Columbia Superior Court Judge Frederick Weisberg found that the university did not violate Curran's contract as a tenured professor when it barred him from teaching Catholic theology on orders from the Congregation for the Doctrine of the Faith (excerpts from the decision begin on page 164). But the price of that finding was the judge's conclusion that when it came to academic freedom, Catholic University had never decided to be "a full-fledged American university." In the judge's eyes, this was true at the very least in the area of theology although both his reasoning and certain questions raised during the trial suggest that the limits to academic freedom at CU may not stop with theology. Indeed, that reasoning—based as it is on CU's own self-description at trial—creates some painful issues for all of Catholic higher education. So does the Congregation for Catholic Education's second draft on higher education, to be discussed in April by the congregation and some two hundred delegates representing Catholic colleges and universities (see *Commonweal*, January 27, 1989). And the issues are sharpened still more by the imposition of an oath of fidelity to all official church teaching for teachers of Catholic theology as well as church officials, which went into effect March 1 unbeknownst to anyone but its authors at the Congregation for the Doctrine of the Faith. God's copyright holders are busy with new protections, new norms, and new permission fees.

Judge Weisberg was faced with a difficult case and resolved it plausibly, though as with many hard cases, it is not hard to imagine how a contrary conclusion could have been reached. He avoided the shoals of First Amendment issues, neither accepting CU's argument that it had sweeping exemption from court review because of its religious character (hence his refusal to dismiss the case), nor intervening in any way that would have impinged on a school's right to define its religious character (hence his observation that even had the court found for Curran it was "unthinkable" that the settlement would have required his reinstatement in the classroom).

Essentially, the question turned on what a reasonable person could have expected to be the degree of academic freedom incorporated into the contents of a Catholic University theology professor's contract in the early 1970s. In evaluating Curran's contract, Weisberg may have been overly impressed—as outsiders often are—with the hierarchical and papal aspect of the church and unduly swayed by a simplified notion of "religious conviction" said to have "compelled" the university to follow Cardinal Ratzinger's orders. Insiders are often more aware that Catholic history is replete with cases of individuals and institutions that have rightfully and successfully

challenged hierarchical or papal authority and have been honored for it (although too seldom in their own lifetimes!).

Weisberg may have been relying on a general impression or on Catholic University's description of the church, hammered home throughout the trial, and nowhere expressed in more concentrated form than in the "findings of fact," which sum up CU's case and legal conclusion:

The Roman Catholic Church is a hierarchical church. The Church's Code of Canon Law provides that the Pope or Roman Pontiff "enjoys supreme, full, immediate and universal ordinary power in the Church which he can always freely exercise." Canon 331. He is the universal legislator and judge. There is neither appeal nor recourse from a decision or decree of the Roman Pontiff. The Code of Canon Law provides that the Pope usually conducts the business of the entire Church through the Roman Curia, which consists of a number of institutions, including Congregations. Canon 360. The term "Holy See" refers to the Pope and the various institutions of the Roman Curia.

Thus Catholic University's definition of the church. No bishops, no sacraments, no worshipping communities, no baptized people, none of that mysterious communion currently emphasized in official documents. Nothing of the hierarchy of truths. Not a word about conscience.

It is easy to argue that the university provided that definition for the purposes of a legal dispute. But isn't that to confess that when push comes to shove, theological reflection on the mystery of the church is just so much inspirational rhetoric, and that, in the opinion of some people, including CU's chancellor and board, the church can be defined far more economically: It's pope and curia.

But a definition of the church shaped by lawyers in the context of a civil trial should not be acceptable to the People of God—including the faculty of Catholic University and their academic peers elsewhere. Nor should the bishops allow to pass uncontested the university's facile sacrifice of episcopal authority.

Among many reasons to be grateful for the quiet persistence of Father Curran has been his insistence that a good deal more than his professorial status is at stake in this fight. Asked, in the course of this trial, why he had turned to the court to order Catholic University to permit him to teach theology there, he responded: "In the last analysis, I think it's not only good for me, but I think it's good for Catholic University....Even academic freedom for the Catholic theologian...in the last analysis, academic freedom, itself, is for the good of the church."

This is the point that shouldn't be forgotten. Being "a full-fledged American university" is not necessarily the final prize for Catholic higher education. But insofar as the academic freedom of full-fledged universities means that intellectual supervision is not handed over to forces outside the academy, Catholic higher education should prize it, precisely for the sake of Catholicity. The church needs a sounder, more generous notion of orthodoxy than has been defined by Cardinal Ratzinger, one that contains within it the principles of correction and development as well as continuity. The church and orthodoxy

need independent nodes of thought, checks and balances, self-criticism. Catholicism will not be strengthened if its creative thinkers find it necessary or prudent to locate themselves in non-Catholic institutions, or if Catholic schools are given the choice of either becoming seminaries or becoming secularized. Robust inquiry, full debate, honest admission of error are the marks of mature belief and healthy orthodoxy. What is lamentable about the Curran case is not that the university sacrificed the good of Father Curran out of its concern for orthodoxy but that it sacrificed the good of orthodoxy out of its concern over Father Curran.

Adverting to Curran's reasoning at the conclusion of his decision, Weisberg said, "Maybe Professor Curran is right," [about the good of the church], but that is not a matter "the court has either the right or the competence to decide....[What] is ultimately good for the University or for the Church is something they have a right to decide for themselves." He is correct. The university and the church. In other words, the responsibility comes back to those of us who believe that neither Catholic University, nor Catholic higher education, nor the church itself can be defined simply as the pope and his aides.

THE CURRAN CASE

JUDGMENT DAY

FREEDOM, FEALTY, CONTRACTS

The following is excerpted from the decision in *The Reverend Charles E. Curran v. The Catholic University of America* (Superior Court of the District of Columbia, Civil Division, Civil Action No. 1562-87, Civil I, Judge Frederick H. Weisberg). The excerpted material (from I. Statement of the Case; II. General Principles of Contract Interpretation; III. B. The June 2, 1988 Resolution; and V. Conclusion) constitutes approximately one-third of the total decision and was selected to apprise *Commonweal's* readers of the major elements of the decision.

In July 25, 1986, in a letter to Charles E. Curran, a Catholic priest and a tenured professor of Catholic Theology at The Catholic University of America ("CUA" or "the University"), Joseph Cardinal Ratzinger, the Prefect of the Roman Catholic Church's Sacred Congregation for the Doctrine of the Faith, advised Professor Curran that he was "not suitable nor eligible to teach Catholic Theology." This declaration was the culmination of a long investigation of Professor Curran's statements and writing over many years, focused primarily on Curran's vocal dissent from Catholic doctrine in the area of sexual ethics generally and on the subject of artificial contraception in particular. The Ratzinger letter stated that the decision re-

garding Professor Curran had been presented to, and was specifically approved by, the Pope on July 10, 1986. A separate letter of July 25, 1986 to James Cardinal Hickey, Chancellor of CUA by virtue of his position as Archbishop of Washington, advised the Chancellor that "[t]he Pontifical approbation of this decision....renders it a definitive judgment in this case," and it directed the Chancellor to take "appropriate action."

Upon receipt of the Ratzinger letter, Chancellor Hickey began proceedings to withdraw Professor Curran's canonical mission, an ecclesiastical license required to teach in certain Departments at CUA, which are authorized by the Church to confer ecclesiastical decrees. The Department of Theology, where Curran taught, is one such Department. In January of 1987, the Chancellor suspended Curran from teaching the courses he was scheduled to teach that term in the Department of Theology. Ultimately, after hearings before an *ad hoc* faculty committee, which made recommendations to the Board of Trustees, the Board voted on April 12, 1988 to withdraw Curran's canonical mission; and, after an unsuccessful attempt to negotiate an alternative teaching assignment for Professor Curran, the Board issued a resolution on June 2, 1988 barring Curran from teaching Catholic Theology anywhere within the University.

At the present time, Professor Curran retains his tenure, but not his right to teach Catholic Theology, which he contends is his only field of professional competence. He maintains this suit for breach of contract, alleging that the University's actions violate his right to academic freedom. He seeks specific performance of what he asserts is his contractual right to teach in

(Continued on page 186)

EDUCATION AS A PROFESSION

TO TEACH OR NOT?

INCENTIVES & DISINCENTIVES

The fifties saw an unseemly rush by teachers' colleges, especially in the Northeast, to become liberal arts institutions. At that time, many education courses were little more than dehydrated versions of applied psychology and infantile schemas of school-and-society sociology. However, the supposed corrective—the notion that teaching doesn't need its own professional training centers—has left us a bankrupt legacy which now makes teacher preparation more difficult than before.

Despite attempts by state authorities to demand a consistent and coherent cycle of professional training as a prerequisite for teacher certification, entrance into the profession too often occurs through courses taken smorgasbord-style from a variety of institutions. As a result, too few trained professionals are entering the classroom. Too many baccalaureates with a few

pedagogical patches are standing nervously in front of students.

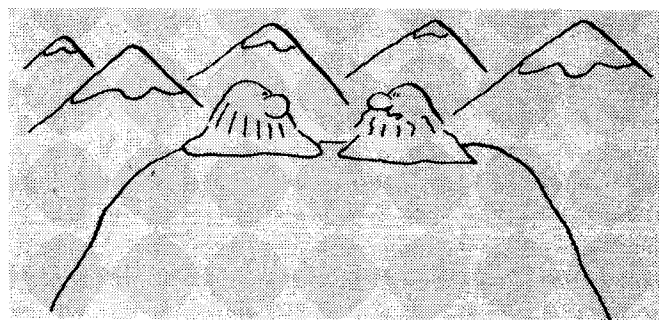
Of course, too few people are seeking to become teachers today by *any* route. Low entry-level pay coupled with "war stories" (exaggerated in the telling) have discouraged potential recruits and have made parents determined to discourage their children from becoming teachers. If their sons and daughters insist on teaching, parents steer them to safe private or religious schools.

Ironically, a number of otherwise positive developments—from feminism to affirmative action—have contributed to the decline in the national pool of potential teachers. Far from the period in which teaching, along with nursing, was one of the very few professions deemed popularly acceptable for women, we have now entered a period in which teaching is often viewed as an atavistic remnant of female servitude. Under the influence of feminism, teaching is almost taboo for liberated women. The persistent sexist bias against choosing women supervisors, especially for junior and senior high school principalships and for superintendencies in general, has contributed to feminist prejudice against teaching. Because so much of this discrimination against women is practiced not by any professional elite or clique, but by parent associations and popularly elected school boards, the legal struggle to eliminate such unconstitutional behavior has been less successful than drives to erase racial and religious bias in the schools.

Teaching was once among the very few professional avenues on which to travel away from the pushcarts, the docks, the ditches, the sweatshops, or the serving pantries. A decline in anti-Semitism and anti-Catholicism has further reduced the potential pool of pedagogues, as Jewish and Catholic college graduates now enter professions and industries once closed to their parents and grandparents.

The more successful affirmative action programs become, the fewer black and Hispanic degree-holders consider teaching, especially in a place like New York City where banks and investment houses, publishers, media, small and large research firms, and retail establishments actively solicit minority college graduates. Blacks who are second- and third-generation college graduates very often are pushed away from teaching by their families toward the "higher" professions of law, medicine, and engineering.

While Southern American and West Indian blacks have traditionally viewed the teacher as next to the parson in prestige, they balk at the prospect that their children—were they to



"Really? Teacher burnout is why I'm here too."

become teachers—would be subjected to shabby treatment in schools failing to insist upon good manners and discipline. Ethnic succession in teaching is further retarded today by the fact that a high percentage of black college graduates are products of Catholic schools and, therefore, have little commitment to the public school system. Others who attended public schools have had such negative experiences there that they, too, feel no particular loyalty to the system.

Out-of-town teacher recruitment for an urban school system, like New York, is difficult. Very high housing costs make relocation economically impossible even for surplus teachers laid-off from suburban or rural systems.

So far, I have been discussing the problem of recruiting adequate teachers in general. Were I to become specific and bemoan the disastrous situation in mathematics and the physical sciences, I would sound like a prophet of doom for public education. Added to the dissuasive influence of parents, low pay, and low prestige is discouragement from math and science professors, who steer their students toward industry and research and away from teaching.

A dear friend, during one of my deep personal crises, once advised me, "Frank, you are too poor to be depressed." As a bureaucrat who must keep a public school system afloat, I cannot allow myself to become as pessimistic as the facts seem to demand. I still must believe American public schools can be saved by immediate and direct public action before teacher attrition forces either the closing of schools or the formation of overly large class sizes.

State governments must insure a sufficiently high entry-level salary to make teaching competitive. Recently, a few states

have increased starting salaries. Perhaps direct grants to districts or categorical funds in state aid formulae are needed because unions tend to bargain for higher salaries for their already tenured members, rather than for beginning staff.

Revival of teachers' colleges or, at least, strong education departments at universities, must give teaching its own training institutions, its own authoritative research centers, and its own rallying points for continuing professional leadership. These institutions must learn from past errors to emphasize both methodology and content. Classroom management, applied psychology of learning, and teaching techniques are at least as important as the accumulation of facts. Previous mistakes warn against making professional courses trivial, without standards, or irrelevant to the classroom or school building experience. Research-oriented, full-time faculty must demand university level performance from their peers as well as their students; classroom master-teachers and expert school supervisors can serve as adjunct college professors to insure concrete, clinical, and problem-solving approaches. In fact, the closer teachers' colleges resemble medical schools in establishing an organic relationship to actual students (and not to some sanitized "campus school" pupiled by the children of the faculty), the more our school systems will benefit.

The current national critique of our schools must produce practical reforms. Schools without sufficient and adequately trained staff will never begin to fulfill American expectations. Worse, they may become the cause of an irreversible national decline.

FRANK C. ARRICALE

Frank C. Arricale is the superintendent of schools in the northeast Bronx.

OF SEVERAL MINDS John Garvey

OFFENSIVE DEFENDERS

RUSHDIE'S RIGHTS & WRONGS

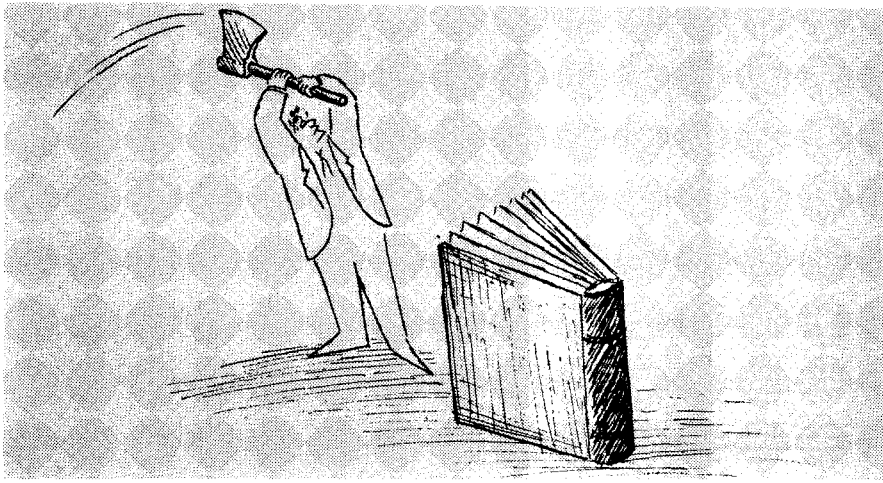
In my opinion, Don Quixote was conducting an experiment. He wanted to test the gullibility of his fellow men. Would it be possible, he wondered, to stand up before the world and with the utmost conviction spew out lies and nonsense? To say that windmills were knights, that a barber's basin was a helmet, that puppets were real people? Would it be possible to persuade others to agree with what he said, even though they did not believe him? In other words, to what extent would people tolerate blasphemies if they gave them amusement? The answer is obvious,

isn't it? To any extent. For the proof is that we still read the book. It remains highly amusing to us. And that's finally all anyone wants out of a book—to be amused.

Pau! Auster
City of Glass

It can be said that the Ayatollah Khomeini lacks the light touch. Salman Rushdie's novel, *The Satanic Verses*, first provoked outrage throughout the Muslim world, as well as a continuing series of riots in which many have been killed; then

the ayatollah proclaimed it an Islamic duty to murder Mr. Rushdie, a duty sweetened by offers of a place in paradise if the assassin were to die in the attempt, or a reward of millions in this world if martyrdom should be denied. Mr. Rushdie's response was somewhat inconsistent. While people were dying in the riots he attacked Islamic censors, but showed relatively little compassion for the dead and their families, or understanding for the inflamed sensibilities of devout Muslims. After the ayatollah's death threat he had an understandable attack of sympathy for the dead and for pious Muslims, and made an apology of sorts, but that wasn't good enough for the ayatollah. Even if Rushdie should become the most pious man in the world, he said, he still deserves death for his blasphemy. The Speaker of Iran's parliament, Hojatolislam Hashemi Rafsanjani, said on February 24 that the ayatollah's order should not be blamed on Iran or its government; this is an apparent



attempt to distinguish between an act of state and a religious obligation. That distinction has not always been made in Islamic countries, particularly not in Khomeini's Iran.

The response of the Western world has been interesting. Mrs. Thatcher's Britain, where Rushdie makes his home, was very careful at first to say as little as possible. (Forgive someone of Irish descent for this conjecture: British government outrage would have come sooner, I think, had Mr. Rushdie's skin color been closer to Mrs. Thatcher's. They would have called down fire from heaven if the threat had been made against the racist, and very white, Enoch Powell. Many of the English, who love to attack Americans for racism, have little understanding that there really are brown and black people who are British.) George Bush said nothing at all for as long as he possibly could. The French made the first somewhat bold move, and brought the Common Market nations into common accord against the Iranian death threats.

Many of Rushdie's fellow writers were quicker to act. They organized demonstrations in his support, and some writers agreed to withhold their books from distribution in the large bookstore chains who had dropped Rushdie's book out of fear for the lives of their employees. The chains, perhaps as a consequence of this, are carrying the book again.

Most readers are probably tired of the controversy by now—*The Satanic Verses* has been mentioned prominently on almost every newscast since the controversy started, something a book's author

would ordinarily welcome, though I am sure the beleaguered Mr. Rushdie does not. I hope the day comes soon when he can walk the streets without fear, but I doubt it. I think this controversy is an even more significant event than its current prominence suggests, and it has revealed a number of interesting things which are not yet receiving the attention they deserve. Let me list three of them.

The West has almost no appreciation of Islam. This unsettling demonstration of Islamic fervor is hardly likely to change the situation; death threats in the name of Allah will not make people want to understand Islam, but will further a distance in understanding which is already too great. Nevertheless, there are reasons for worry about this lack of understanding, quite beyond the obvious good of understanding the teachings of the world's great religions for their own sake or for comparative reasons. They include the fact that Islam is a rapidly growing religion—not only in Africa, but in America (where many black Americans continue to join, not the eccentric version propagated by Elijah Muhammed and continued by Louis Farrakhan, but orthodox Sunni Islam), and in the Soviet Union. Muslim leaders have not spoken with a common voice about the death threat against Rushdie, which many have rejected; they do speak with a common sense of grievance when they say that the West has consistently refused to try to understand Islam. Its contribution is too important, even in our own history, to ignore. Western science, theology, and philosophy owe a great debt

to Islam. It was not native Western genius, as we now know, but what the Christian world brought back from the Crusades that gave the late medieval West its knowledge of everything from Aristotle to algebra and the teaching of the great Greek philosophers.

The response to Islamic anger has been almost entirely secular. And why not? It is such an attack on what we regard as important in secular terms—freedom of speech, the liberty of an author to use his imagination in the exploration of anything which seems a worthy area of exploration, the right to pursue that exploration wherever it leads. I believe that all of these are important, and believe that the crisis in the West which began with the Enlightenment was an essential thing: religion had grown used to an intertwined relationship with power. Secularism forced us (by us I mean people with a religious rather than secular approach to the world, and I think there is and should be such a separation) to know that religion should move by honest persuasion, not by force or even subtle social or family pressure.

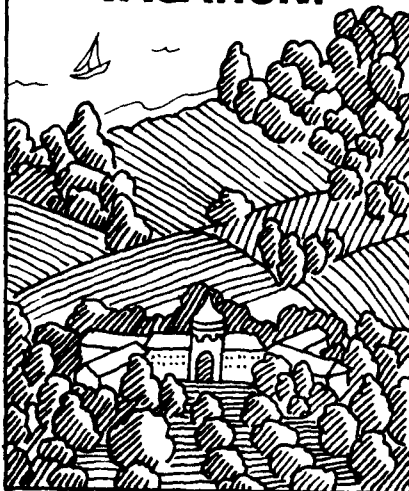
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We are most in the image of God when we are free.

At the same time, believers have allowed religion to be marginalized. Most thoughtful believers understand that the theocratic possibility of enforcing what passed for belief harmed religion, maybe more than we can see even now, this many years after the Enlightenment disenfranchised religion. It led to myths which still prevail—for example, the idea that we have fallen from a more faithful era, rather than a more conforming one. We have made it easy for religious establishments to ignore their continuing need to evangelize, to make it clear to people that what we claim to believe really is good news, and not a condition for being seen as respectable.

So far we must agree with those who would insist on Rushdie's right even to blaspheme, if the alternative is to give religion a coercive power it does better without. But many of the writers who came to Rushdie's defense argue that this is a clear case of religious benightedness versus enlightened free-thinking. At the public reading of his work some of the passages most offensive to Muslims were chosen. It is one thing to defend Rushdie's rights and to repudiate the ayatollah's murder threat; it is another to choose to make a public proclamation of passages which Muslims find offensive. This goes beyond a defense of free speech. Take another example: if a militant Jewish group insisted that anyone who published the *Protocols of the Elders of Zion* would be murdered, it would not therefore be appropriate to stage a reading of the work, to emphasize the freedom to publish.

We must question what the death of blasphemy means. In a *New York Times* piece on the Rushdie controversy, Peter Steinfels made the point that in order to find a topic which might be compared to the strong feeling the Islamic world has for the image of Mohammed, we must look outside of the strictly religious area. No one is amused at jokes about the Holocaust, nor would mocking the death of Martin Luther King be considered acceptable. Some things cause us outrage, and should. But it is interesting that in the West we now need to look away from

religion in order to find them. It may be an expansion of the sense of the sacred that we do see the possibility of a kind of blasphemy in areas which are not, strictly speaking, religious.

But I'm not so sure that this is what is involved. I remember during the sixties seeing a T-shirt which showed Mickey Mouse and Donald Duck smoking marijuana. It occurred to me then that this is as blasphemous an image as the manufacturer was able to find in our common culture, and that is a shame. We have lost something when we do not take the death of Christ and the importance of his teaching to the centers of our being, in the same profoundly heartfelt way we react to the death of Dr. King, or to the murder of millions. It is not a strength of ours that we do not understand why others feel such reverence, for the Koran and for the prophet Mohammed, that they are willing to be outraged at what appears to be a mockery. If for us the most important function of a book is to amuse or provoke, and for them the presence of at least one book is a divine mercy, this is not necessarily to our credit.

The controversy is not just one more news story. It is, I am afraid, the beginning of something significant—a deepening alienation between the secular West, which itself has a growing Muslim population, and the Islamic world. The alienation was there in a less coherent way before. Now the symbol of blasphemy has given it a coherence and a symbolic form it did not previously have. Even before Rushdie, it was interesting that the two groups it was possible to make fun of—say, on TV commercials or in cartoons—without dire consequences were Asians (who are beating us economically) and Arabs. Now secular intellectuals can join in what was, before, low-brow fun, and do it just as ignorantly, with the sanction of the defense of liberty. Of course it is an evil thing for the ayatollah to call for someone's death, and of course the censorship even of bad ideas is dangerous to any decent society. But there is more to the controversy over *The Satanic Verses* than those two issues, and it is extremely important for us to be clear about what lies beneath the obvious and most easily answered questions. □

SEX (HOW ABOUT LOVE?) ON CATHOLIC CAMPUSES

A PROVOCATION WITH FIVE RESPONSES

DAVID J. O'BRIEN

When I arrived at Holy Cross almost twenty years ago, the college had just decided after a long, somewhat heated debate, to "go co-ed." The transition went relatively smoothly. Admissions officials were pleased to have a larger pool of students to draw on. And alumni complaints ceased as they realized the benefits of sending their daughters as well as their sons to Holy Cross. Now the student body is a little more than 50 percent female and an ever growing number of women faculty have played a major role in upgrading faculty standards. Only top administrative posts remain a male preserve and gradually women faculty and staff are chipping away at the remnants of discrimination. The college's proclamations of dedication to social justice normally include references to sexism. Official policies encourage use of inclusive language and exploration of women's issues in classes. A relatively bright picture.

On the other hand, Holy Cross is a Catholic college in more than name. It is strongly identified with its Jesuit tradition and a large majority of its students are Catholics. No setting like this can be complacent where justice for women is concerned. But as a faculty member what is most troubling to me is that, despite the removal of structural barriers, there remains a continuing chasm between men and women on concrete issues of relationship and career.

I am not alone in experiencing particular delight during the last twenty years in watching the dramatic awakening of so many women students to their own capacities and competence. Often from rather conservative and protected backgrounds, nurtured in loving, often deeply traditional families, many of our women students are opened to new possibilities by our classes, by the example of our talented women faculty, campus ministers and staff, and by one another. Gradually they shed their shyness in class and begin to challenge the very vocal male students. Some even overcome the tough obstacles confronting women in the sciences. Encouraged by their fathers (I am struck

by how often women students speak first and most enthusiastically of their dads) they expect to pursue careers. And they do so more systematically and with greater determination and savvy than most of their male counterparts.

Every year at graduation time I am moved by a number of impressive women graduates—women who have changed dramatically during their four years at Holy Cross. As freshmen they needed to be convinced that they could take on anything the college could offer. By the end of senior year they talk quite easily of their plans for medical and law school, careers in business, government or social service, or a stint with the Jesuit Volunteer Corps in an inner city neighborhood. I suspect they do not understand, given the long history of discrimination against women, just how really remarkable are their four years at Holy Cross and their great ambitions.

But I am worried. Not about the women—but the men, the men students and, beyond them all of us males trying to deal with the consequences of the awakening of women. At Holy Cross as elsewhere, male acceptance of female equality often seems a bit superficial. Few men any longer make sexist comments in class. Makers of sexist jokes and sexual innuendoes can expect a rebuke in most settings where both sexes are present. The men students I know endorse the aspirations of their women friends. But those same students, male and female, lament the dating patterns at the college; the pervasive drinking, common here as elsewhere; and they repeat the somewhat hazy charge that social life remains "male dominated."

I'm never too sure what that phrase means. I suspect (on the basis of reports from other campuses) that it includes sexual harassment more widespread than anyone admits. It may also involve more subtle forms of male dominance, such as failure to confront in any public way men's assumptions about how relationships are to be initiated and conducted. Indeed many women may be more comfortable when social life is focused on men. Men's athletic events are well attended, while women's are not. "Party" (the verb) apparently finds its fitting symbol in Spuds Mackenzie surrounded by adoring females. Women have yet to communicate to the campus a popular alternative: one hears little of co-educational sharing groups on weekend evenings.

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But most of all I think "male dominated" has to do with sex. I admit I know very little about the sex lives of students. Of course, I am familiar with the national statistics. I hear all the rumors about dormitory orgies and, more credibly, unwanted pregnancies. And, as a parent, I doubt the wisdom of co-educational and relatively unsupervised dormitories. But the fact is, I am now in my twentieth year at Holy Cross and can recall only one or two serious conversations about sex with a Holy Cross student. Apparently I am not alone. According to a recent report to Notre Dame's president by a task force on "Marriage, Family, and Other Life Commitments," "human sexuality... is largely a taboo topic for serious conversation at Notre Dame." I suspect that most people at Holy Cross would agree. Both schools have made the strenuous effort to adapt to co-education, oddly enough, without discussing sex. We have worked hard to assist our women students with class and career, but we have left relationships to take care of themselves. No wonder social life remains male dominated. And no wonder that, as the Notre Dame report concludes, "some [students] have problems in developing healthy relationships with members of the opposite sex. There are sex stereotypes that seem to be passed from one generation of students to the next... and such stereotypes cause mistrust between some women and men."

I have a hunch that what is at stake in the uneasiness of women and the persistence of chauvinist attitudes among men is their own sense of integrity. For a growing number of women, to surrender their aspirations to independence, work, and service would require denial of their deepest feelings about themselves. Yet the threat of such surrender is implicit in that male-dominated social life. Some similar sense of male identity and integrity is at stake in the too familiar refusal of men to place their need for intimacy in the context of mutuality, negotiation, and equality. The universal popularity of Spuds Mackenzie is only one of a thousand indications of repressed fears that women will not adore, perhaps not even respect men as they are. And, if they won't, what is the alternative? Submission? Emasculation? Loneliness? Most young men and women have yet to experience the demands of a committed, faithful relationship. When they do, will they be able to understand each other's feelings and needs? Or will they even seek out such relationships if they risk loss of the very meaning of their personal, and therefore sexual, identity?

Much of this sounds familiar to those of us with our own combat stories to tell of the experience of women's liberation. But the best stories from our generation are told by women, not men, and few of those stories celebrate the creation and growth of marriage and family. Women's stories, many of them, speak of emancipation from the constraints of such relationships. For men, it sometimes seems, the major byproduct of the women's movement has been a reassertion of claims to dominance ranging from evangelical talk of "headship" to ever more sophisticated forms of pornography, adult "sex stereotypes" if you will. If newer, more mature images of marriage are available, they are usually sentimental and unrealistic, saying little

of the concrete problems, and real possibilities, of more egalitarian relationships. In fact, relationships, especially those that are permanent and faithful, are rarely discussed.

Role models, at Holy Cross as elsewhere, are business and professional people, not husbands and wives, though they may also be that. It is natural enough that professionals display their professional competence, not their personal experiences. It is less natural but equally a fact that marriage and family are not particularly notable subjects for research and teaching on Catholic campuses. In my experience social scientists who deal with such matters tread carefully. Even the still common courses on sexual ethics are often abstract and draw their experience quotient from polling data rather than real people. In my opinion the discipline itself is locked into an individualism that makes relationships seem like contracts. In the process marriage and family are devalued and concrete conditions and commitments needed for sexual intimacy are ignored.

The usual response to all I have described is: "women have a problem." I recall more than one occasion when a woman in junior or senior year fell in love, and could not decide whether her happiness was justified or likely to last as long as the young man did not understand her newfound ambition or appreciate her hard-won independence. Of course, there are some young women at the end of their senior year who will say that they plan to work and mark time until they marry, and a few others who have all but given up on men. But most women want both to work and to marry and have children. They know there is a problem in having a career and a family, but they do not think, nor should they, that this is a matter of selfishly wanting "to have it all."

A few years ago Phyllis Schlafly debated prochoice lawyer Sarah Weddington at Holy Cross. Schlafly had the advantage with our overwhelmingly anti-abortion students, but when she argued that young women should stay home with their children and demand the husband's financial support, the students at first laughed uneasily and then peppered her with hostile questions. But, in the real world in which they live, these women are continually told that they may eventually have to choose. In that same real world, most men these women know think that kind of choice is a woman's problem, not theirs.



"Twenty-four years and five children ago, I proposed to you—don't you think it's time you said yes?"

For the overwhelming majority of male students, staying home with the kids while their wife works is unimaginable and, in some distant future, it probably would be unacceptable. The best among them expect to share housework and child rearing, but few understand what that involves, especially at a time when business and professional life is more competitive and demanding than ever. They have picked up code words about "quality day care," of course, but I get the impression that such talk is a way of avoiding the issues that must eventually be negotiated.

Young men, and to a lesser degree women, remain incurable romantics. They are convinced—and who was ever not—that when Mr. /Ms. Right comes along, it will all work out for the best. For women that means a kind of sharing that is truly new. For the men, in most cases, the image of how things will "work out" is not much different from what we males at Holy Cross and Notre Dame expected a generation ago. Some good woman would put us first, care for home and children, follow our lead. Now we know better. Yes, love is still supremely important, but it requires constant renewal under conditions that demand greater patience, sacrifice, endurance, and commitment than anything our parents experienced. But some of us also know that, to the degree we can pull it off, love can be even more fruitful, life-giving, and rewarding. Few are telling young men about the costs of love, even fewer about the rewards.

What can be done? First and most important, we will all have to recognize that, avoided as it so often is, sexuality is not our most taboo topic; love is. I recall the shocked hush that fell over our faculty assembly the day an older professor asked whether love might have a place in our tenure procedures. Few people are comfortable talking about love, especially married love. Nothing puzzles me more than how seldom love or its absence—central issues in the lives of people I know—is a topic of serious adult conversation. To me it is the height of foolishness to think we can discuss sex and ignore love. Sex education, as normally defined, is not the answer. But I admit that, confronted with the argument for public discussion of love, I pull back, as uneasy as we all felt that day when love intruded into discussion of tenure decisions.

Second, men can begin to speak a bit more openly about their experience. I recall how moved many students were a few years ago when a professor who had lost his wife to cancer told his students what marriage had been for them. There are too few such moments. And too few experiences of students talking with men and women who juggle marriage, career, and responsible citizenship and remain not only sane but relatively happy.

Third, students could have more dialogue with couples, especially younger couples close enough in age to avoid confusion with their own parents. Among our recent graduates and our faculty there are some simply remarkable young couples building strong marriages while helping, not hindering, each other in their work. Students need to see, and to know, such couples.

Fourth, all of us who talk a lot about the new responsibilities of lay people in the church and in its social mission need to remember that people have to earn a living, that marriage and the raising of children require enormous investments of time

and energy, and that there is not always time for ministry in the church or the community. When we seek to define our responsibilities for Christian service, it is important to think of ourselves as couples and families. It is also important to avoid suggesting to our young people that marriage and family life and commitment to the poor and to peace are mutually exclusive.

Finally, we at Catholic institutions have to draw a bit on our tradition. Faced with choices between church and world, nature and supernature, even sex and love, Catholicism has usually tried to say both/and, not either/or. Our young women, I fear, confront too many either/ors. So do our men, though they don't know it yet. Society at large imposes these choices, but perhaps in our effort to affirm women and demand equality, we may do more of the same. Yet, in fact, many of us have worked hard to have both love and career and to meet our commitments to another person and to a family and to vocations that demand the best that is in us. To the extent any of us have succeeded, we have done so because of that lost item of the discussion, love. Wanting the intimacy that can grow in marriage, and wanting children as the fruit of love, is more than one option among many. We must find ways to allow our students to believe that such desires are as legitimate, and as capable of fulfillment, as their aspirations toward work and public service. For that claim to be credible, we men will have to acknowledge finally that we have a stake in the women's movement, that we can be part of the solution, not simply the heart of the problem. □

SEX, GENDER, & LOVE

TELLING THE CATHOLIC VERSION

The knock on my dormitory door came from a young woman in her sophomore year. In the year and a half that I had been living in the dormitory as one of two "corridor ministers" for a group of 450 undergraduates, I had spoken to her only briefly. "Is Anne here today?" she asked. Anne, my fiancée, enjoyed the dubious distinction of being the second person in Georgetown's history to be engaged to a corridor minister, a post which, with only three previous exceptions, had been filled exclusively by priests or Jesuit scholastics. She came by the dormitory to visit frequently and was fairly well known to the students.

Anne and the student who knocked on my door spent a good deal of time talking privately. When the student left, she looked noticeably calmer, and, in subsequent encounters, she never failed to tell me how helpful it had been to talk with Anne that evening. It was the first but not the last time that a female student came to my door, looking not for me, but for Anne.

This story came to mind as I read David O'Brien's insightful

piece on female-male relations on the Catholic campus. Looking back, I have to admit that my own need to feel in control of things—which, I suspect, I share with many other men—was a bit threatened by these episodes. It took me some time to appreciate that female students quietly had to seek out female role models, since the designated corridor ministers on campus were, with one exception, all male. Similarly, it took a good deal of openness on the part of my ordained colleagues in the dormitories to acknowledge that lay role models were also a necessary complement to ordained corridor ministers.

From my experience, the corridor minister role, and other similar positions in student residences, provide an effective opportunity to act on O'Brien's suggestion that "students could have more dialogue with couples, especially younger couples close enough in age to avoid confusion with their own parents." Living in the residence hall, such young couples could be present to the candid conversations and exchanges that often arise in a dormitory setting. The students, in turn, would benefit from the example of a young couple dealing with issues of marriage and career that will soon be facing many of the students in their own lives.

I also resonate with David O'Brien's assertion that Catholic colleges have often "made the strenuous effort to adapt to coeducation, oddly enough, without discussing sex." Raising the topic of sex in any official capacity presents a particular dilemma to chaplains and dormitory staffs who are responsible for presenting the Catholic perspective on sex in its fullness while at the same time dealing with students who are sexually active. The frustration was most poignantly expressed for me by a dean of student affairs at Georgetown who recalled a conversation with a female undergraduate who had undergone three abortions. "I don't use birth control," she said, "because it would be a sin every time I did. I figure I'm sinning less often by relying on abortion for when I do get pregnant." Such confused interpretations of Catholic sexual ethics need to be addressed.

We do students no favor by ignoring discussion of Catholic sexual ethics for whatever reason, or by ignoring the fact that some students do not live up to, or even share, these ideals. The secular campus may see itself limited to "value-free" presentations on sex education. The Catholic campus, on the other hand, is morally obligated to help students examine their sexual actions and attitudes against the Gospel message. The faculty members mentioned in O'Brien's article who dared to speak openly about love moved Holy Cross closer to fulfilling this obligation. The Catholic campus ought to be an environment that encourages other faculty and administrators to follow their lead.

In recent years, my work has involved less contact with undergraduates and more contact with engaged couples, almost all of whom are college graduates, preparing for marriage. Even though most of these men and women are successfully engaged in careers, by and large they still harbor the attitudes toward female-male relationships that O'Brien's article criticizes.

The planning of the wedding, to use just one example, ultimately still falls to the woman in most cases, even though

her career may leave as little time for such planning as her fiancé's career. Before the marriage has even started, the woman finds herself juggling career and family affairs. This mirrors the division of labor that dominates marriage in the 1980s, where, sociologists note, most women take on a career in addition to the household work, while few husbands take on any serious share in the household work in addition to their career.

The wedding ritual, as it is commonly celebrated, captures in symbol the heart of my reaction to O'Brien's reflections. The theological assertion that baptism breaks down the inequality between male and female may roll easily off the tongue in an undergraduate marriage course. And Paul's instruction that wives be submissive to their husbands has certainly lost ground as a popular wedding reading. Yet, most brides still speak of being "given away" by one man to another man and cling to a processional form that reflects that reality. The dream of the bride as "princess for a day" lives on—in both women and men. The women's movement seems to have had virtually no visible impact on the social customs surrounding the wedding ceremony. O'Brien suggests that "male acceptance of female equality often seems a bit superficial." My suspicion is that female acceptance of female equality still has a way to go as well.

PAUL F.X. COVINO

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THE HONEYMOON'S OVER

REALITY COMES BUSTING IN

In 1959, I was a co-ed at Fordham's all-male Rose Hill campus. I had been allowed into the all-male undergraduate psychology classes by a new department chair, who had women in his graduate classes and saw nothing amiss in registering a School of Education female into undergraduate classes. The dean of the college, however, thought otherwise. He poked his head, perturbedly, into several classes and after a few weeks invited me to his office. He had decided to let me stay, he said, because I would be like the rabbit at a greyhound race, who encourages the dogs to their best effort. Because the male students wouldn't want me to best them, they would work harder. I, in that prefeminist age, with my consciousness unraised, said, quite sincerely "Oh, thank you Father!"

Today, I am an associate dean in a thoroughly co-educational Jesuit university. Our faculty ads firmly declare we are an equal opportunity employer and my Jesuit colleagues are among my most helpful supporters. Time has seen massive changes in the small world of Catholic education, as well as in the larger world. Neither world, however, has addressed well the problem of combining personal growth and fulfillment (usually viewed as occurring in a career of some sort) with family needs, especially

those of children. I agree with David O'Brien that the concern here must be the involvement of young men in these issues.

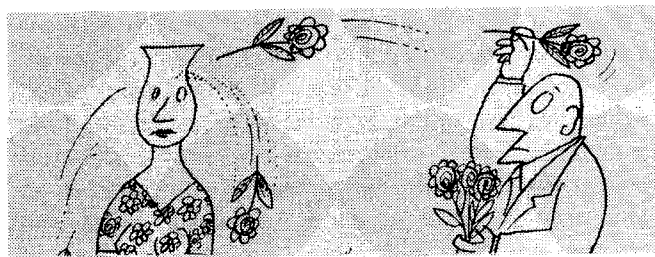
At the University of San Francisco, Elisabeth Gleason, an historian, and I have just completed a seminar on "Women, Men, and the Family." The seminar was part of an ongoing forum on contemporary values, funded by San Francisco philanthropist, Louise Davies. Through her generosity we were able to invite well-known thinkers, such as Betty Friedan and John Demos, to discuss the topic with our students. In selecting students, we were struck by the fact that all our applicants were women! To attract male students, we wrote individual letters to more than 150 male honors students, signed by a male dean, emphasizing the male issues which would be addressed by the male speakers. Still, we got no response. Finally, through personal appeal, two men agreed to enroll in the class. The male editor of the school newspaper refused to run a story on Betty Friedan's public lecture, because, he said, "Nobody knows who she is." After 550 people came to the lecture, the newspaper belatedly "covered" the story.

In the seminar, it was daunting to see the lack of concern our women students showed about just how they were going to "have it all." They just assumed they were. Reading Betty Friedan's *The Feminine Mystique* was, for them, not unlike reading *Malleus maleficarum*—interesting, in an antediluvian sort of way. The male students, on the other hand, complained that "all" the topics were oriented toward women, although two of the five guest speakers were men and half the topics concerned patriarchy, male roles, or family issues. Evidently, questions of family function and structure are "women's" issues!

I agree with O'Brien's suggestions that we talk with our students, especially the men, about life and love, about the problems as well as the rewards of family life. My generation had the honeymoon of sex-role liberation—the newness, the excitement, the hope. Today's young people have the reality—women (and men) with two full-time jobs (in the home and at work) instead of one, both father and mother working outside the home because one income is no longer sufficient, children and parents coping as well as they can with makeshift and often inadequate child-care situations. The Catholic tradition idealizes family life. We need to find ways in which our students can realize that ideal as well as the personal fulfillment that most Americans expect. Reminding our students that doing for others is often doing for oneself may help.

MAUREEN O'SULLIVAN

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THE SCARY FIDELITY OF JESUS

WHAT MAKES MARRIAGE POSSIBLE?

I agree with David O'Brien that "sex is not our most taboo topic; love is." But I'm not particularly troubled by the reticence. Some things are kept private because they are embarrassing to talk about and embarrassing to talk about because they should be kept private. It isn't, and shouldn't be, an easy thing to discuss married love—what it is like to be seen and seen through and forgiven by another human being and to see and see through and forgive her. Far easier to talk about the turbulent and unpredictable enthusiasm you both happily share for the spasmodic twitching of a few abdominal nerves.

And you often find people—rather, people often find you, who are all too willing to talk about their experiences of love. Some of the funniest moments in the movie *Airplane*, for instance, involve a man who provokes several uninterested fellow airline passengers to suicide with his lengthy and detailed descriptions of a troubled affair. I'm not sure that the older Catholics can talk to younger Catholics any more effectively.

But what they can talk about is marriage, which isn't exactly the same thing as love. In the admittedly limited experience my wife and I have had of Catholic marriage preparation classes and pre-Canas programs, there has been much forthright discussion of sex, love, and day-to-day living arrangements but little of marriage.

As celebrated among Catholics, marriage is pretty much a fanaticism. My grandparents, parents, aunts, uncles, cousins, brothers and sisters, along with the Dominican nuns who taught me in elementary school, the Benedictine monks who taught me in secondary school, the Holy Cross priests and layfolk who taught me at Notre Dame, to say nothing of the woman I sleep with, have all seemed to agree on the subject of marriage. According to this variegated batch, whose unanimity constitutes as authentic a magisterium as I'll ever listen to, marriage means that one man and one woman stake their lives in the name of God on mutual, unconditional, and lifelong fidelity. Or, as my mother put it when I was sitting in a highchair and fooling with a bowl of Gerbers one morning, she and my dad had promised to do all in their power to get each other to heaven. Those were the days when the magisterium wasn't afraid to call a spade a spade.

The marriage vow—and I don't see how there can be a more demanding one—bears witness to any onlooker in the universe of a couple's shared belief that the birth, death, and Resurrection of Jesus are more potent and revealing than the much overrated virtue of prudence, which would regard their commitment as crazy. Whatever else it is, marriage is not safe, and that isn't sufficiently emphasized in the discussions and pamphlets.

I suspect that all the jive we hear these days regarding gender

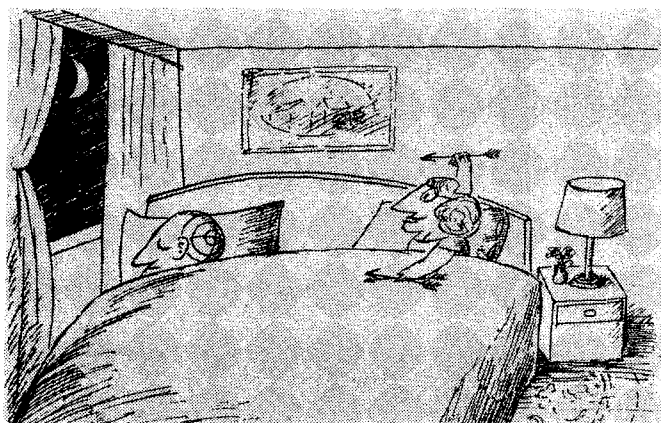
roles, numbers of careers, and the spacing of children arises from a sort of bashfulness about the central ferocity of the marriage promise. As an experiment, merge the lives of two good-hearted kids whose premarital inventories or Meyers-Briggs tests or whatever the ribbon clerks make them take these days are absolutely indistinguishable from each other. They've got their sexual tastes, expectations, jobs, and housekeeping responsibilities all doped out perfectly. Now lob into their married life any surprises you can think of: healthy babies, blighted babies, miscarriages, alcoholism, adulteries, frigidity, depressions, Alzheimers, adolescents, cats, and unpleasant chewing noises at the table. They learn, in other words, that Sartre is absolutely right about hell being the other. If they haven't been taught to turn reflexively to the Cross and Resurrection at these impossible stressful moments, their marriage (unless, of course, they are both wimps) will disintegrate. It seems to me that too many pre-Cana programs sweat too much of the small stuff like the changing relationship of the sexes in our time. Anyone interested can find out about all that by reading the newsweeklies and watching television.

And that's a waste. The appropriate work of a pre-Cana ministry is first of all to scare the living bejazzus out of young candidates for matrimony by helping them gauge the enormity of its claim on them, and then, if they remain undeterred, to assure them that despite the insanity of what they are undertaking, others have preceded them in the enterprise and been liberated from their self-centeredness; and finally to help forge marriages which have something to do with real secular contracts made and broken by our agnostic friends. The problem may be that too many of the pre-Cana ministers and too many of the rest of us are insufficiently convinced or have forgotten that the presence of Christ in marriage makes all things possible.

I'm not sure that this scary fidelity of Jesus, the unique and dangerous ingredient in a Christian marriage, can be neatly distinguished from love, but I think that too little is heard among us about it. Which might be why we Catholics, like most other contemporary Americans, seem to expect so little from our marriages.

MICHAEL GARVEY

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EDUCATORS AREN'T PARENTS

A CONFUSION OF ROLES

David O'Brien is troubled. And no wonder. He wants what he can't have. He wants colleges to do what colleges are poorly equipped to do, or to do well, namely, to guide students in the most intimate aspects of their lives, to shape, as it were, their students' personal destinies.

Any college that tries to do too much, to be too good for its students, to depart from liberal education or go beyond it—such a college can expect to have troubled faculty members. Professors are trained to be educators, not counselors or substitute parents. The faculty's expertise lies in intellectual disciplines; professors are appointed to teach these disciplines to students.

If O'Brien and other well-meaning faculty members in Catholic colleges would reflect on the purpose of liberal education and on the qualifications of their faculty colleagues, they would intervene less in students' private lives—and perhaps worry less in the bargain.

A typical American college student arrives on campus after eighteen years of powerful formation—by family, peers, and television. Of course, it is tempting to try to shape that student's moral and spiritual life, to send him or her away four years later prepared to face all those challenges every commencement speaker stresses. That's the temptation of the elders of every tribe. But unlike most temptations, it ought to be resisted.

O'Brien succumbs to that temptation in the area of "relationships" between men and women students, the area that includes their love and sex lives, their future marriages, their status relative to one another. What parts of life could be more personal, less amenable to academic disciplines? So O'Brien worries: "There remains a continuing chasm between men and women on concrete issues of relationship and career." No doubt he would like to do something about that, in his capacity as a college professor. That's the mistake that follows upon the temptation.

Colleges usually command their students' attention for only four years. How should that time be best used? The answer to that question flows from the qualifications of the faculty and needs of the students. And from both sides comes the answer: use the four years to educate the students' intellect, to teach the great world of intellectual possibilities—from economics to theology, from the social to the natural sciences, from history to philosophy.

John Henry Newman wisely asked: "A hospital heals a broken limb or cures a fever; what does an institution effect, which professes the health, not of the body, not of the soul, but of the intellect?" No other institution can do what a liberal arts college is best suited to do—fill the intellectual prescriptions of young Americans. Four years are hardly enough and the students' need is vast.

What connection will such an education—a liberal and liberating education—have with the personal problems O'Brien describes? In short, it will equip the students to think about these problems. O'Brien to the contrary notwithstanding, it isn't true that love can't be discussed in college settings—but if a teacher insists on drawing from the students their most intimate and disturbing feelings, the discussion will surely fail. But students are positively eager to talk about love and related matters if they are encouraged to think for themselves without high-powered advice and counsel from their elders. Let the power flow from the literature—read *Madame Bovary* with college students, or Plato's *Symposium*, or the Gospel of St. John.

And how can a college contribute to the advancement of women? In short, by providing the best education it can to women as well as men, equally. Women in college today are far better served by being held to high expectations in philosophy and literature, physics and political science, than by the efforts of the faculty to "prepare" them for the new life of sexual equality. Ditto for men. O'Brien deplores the fact that "we have left relationships to take care of themselves"; but that's close to what we in colleges *should* do—teach what we know how to teach, and allow the students to take care of their own relationships.

I am not suggesting that David O'Brien, or others like him—and they are numerous—stop worrying altogether. But I do suggest worrying about other matters—about government, poetry, biology, mathematics, music, psychology, history—and

conveying to college students that these are worth worrying about.

ROBERT L. SPAETH

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MERGING SPHERES TO PRODUCE & REPRODUCE

share David O'Brien's concerns about the chasms between men and women on campus and that these chasms exist "despite the removal of structural barriers." I suggest that other, more profound barriers, remain. We need to understand these barriers if they are to be reduced.

Many writers have noted the tendency to split society between public and private worlds, usually referred to as the separate spheres argument. According to this argument, dichotomies are genderized as masculine-feminine. The tasks, attributes, and roles assigned to men in the public world of work and achievement are viewed as separate from those assigned

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women in the private world of home and community. In her recent book, *Reclaiming a Conversation: The Ideal of the Educated Woman* (Yale, 1985), Jane Roland Martin makes a related distinction between the productive and the reproductive processes. According to Martin, productive processes include the public (as well as private) activities in the political, social, cultural, and economic spheres. In contrast, reproductive processes include not only private biological reproduction, but rearing children and the activities of care, concern, and connection that are needed in both public and private life. The difficulties many academics experience with Martin's use of the word "reproductive" alerts us to the radical nature of her message: She would bring the private world of relationships, care, and love into the public arena of the academy.

My university, like O'Brien's, fosters (often successfully) development of the productive processes among both male and female students. University mission statements reflect the goals of producing independent, educated persons who are equipped to contribute to society. We strive to train people in critical thinking and analysis, and to help them develop knowledge and skills so that as graduates they might assume their "proper" place in society. Our women graduates are as successful (and as unsuccessful) as our men graduates preparing for the challenges that they will meet in their lives as productive citizens. However, the conversations, dialogues, and discussions O'Brien hopes for his students are out of place in such an institution.

The activities in which O'Brien would have universities

engage, fostering meaningful relationships based on mature, committed love, are not just ignored by the academy, they are considered inappropriate. As O'Brien notes, we have "left relationships to take care of themselves." I would suggest we have left relationships to women. It is they, O'Brien rightly notes, who feel the conflict of the either/or choices family and career interests pose. While we have admitted women to universities for training in the productive processes, we have left them with the reproductive responsibilities (biological and social) in both the private and public spheres.

It could be different. We might reconceive the mission of Catholic universities to foster development of both the reproductive processes (Jane Martin's three c's: care, concern, and connection) along with the productive processes. This will require, however, a thorough examination of how these traits have been genderized in our Catholic heritage and in our Catholic schools. We must ask how it is that we have come to attribute the maintenance of home and hearth, commitments and relationships to girls and women. We cannot expect young men to embrace care, sensitivity, and loving self-sacrifice when we call these "feminine" virtues. O'Brien understands this. He notes that what is at stake in men's refusal "to place their need for intimacy in the context of mutuality, negotiation, and quality" is their masculine identity. We must ask, how has masculinity come to mean the antithesis of mutuality?

We must question the competitive model with its adversarial mentality that is not complemented by experiences with cooperation. We must examine the criterion of individual excellence at the expense of caring for others and acknowledge that we need loving concern for others in the public world of our universities (yes, even in our promotion and tenure deliberations). Finally, we need to acknowledge that our segregation of the public and private, the productive and reproductive, results in a lopsided mission that does not educate the whole person.

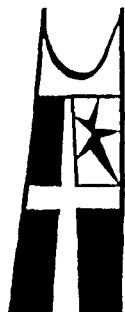
Once universities have undergone this analysis they can begin to restructure university life accordingly to promote development of the reproductive and productive processes. Universities have already proven their ability to prepare both male and female students in the latter; they might now choose to prepare young men and women in the former. They will have an easier time with women, who have already gotten the message: In both their careers and their roles as homemaker (at least that is the ideal that we hold out to them), they are to be committed partner, harmonizer, and the bridge for relationships. Young men will have to be convinced, first, that they ought to strive to develop skills in care, concern, and connection. How can we do this?

Universities might begin viewing campus child-care centers as a central aspect of their educational environment, rather than a "benefit" to employees. I am thinking here of the radical role the presence of day care could play in bringing the private world into the public world.

We know from research on fathers that men can excel in parenting (the word fathering, unfortunately, does not yet connote the myriad reproductive activities and involvements of men who assume this role). This research tells us that men find

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parenting very hard work (no news to women). They also find that they develop very close ties with the children they parent, that they become empathetically attuned to their children and deeply connected to their child's joys and pains. In other words, they engage in the reproductive processes, and reap the rewards from care, concern, and connection.

Rethinking the role of child-care centers in our universities is only one way students' private worlds and the reproductive processes necessary to live both there and in the public world, might be incorporated into the academy. O'Brien offers other suggestions. Of course, the "if" must precede the "how." Universities will need to decide if they are to have a role in developing students' reproductive processes as well as the productive processes. Then they will find the ways to help students develop care, concern, and commitment; and love will no longer be the taboo topic on campus.

MARY M. BRAYBECK

Mary M. Braybeck is associate professor in the School of Education, Boston College.

SCREEN

BLAND ISN'T BEAUTIFUL SCHUMACHER'S 'COUSINS'

Cousins will strike different audiences in different ways, depending on whether or not they've seen its original, the French *Cousin, Cousine*, which I have not. Those who view it for the first time will regard it as a mostly pleasant confection, with just enough spice to keep it interesting. But viewers of the original will wonder why this new film was made at all: it has little of *Cousin, Cousine*'s widely reputed wit and sexual effervescence.

Why make the movie at all? A simple rationale is the normal commercial desire to pillage a successful work with a proven box-office record. But lately, this rationale has become more precise, with a trend toward finding light comedy in foreign sources. Paramount Studios, the film's distributor, refers to it not as a "remake" but an "Americanization" following the model of *Three Men and a Cradle* from the French Cesar award winner of the same name. "Americanization" aims at pleasing the upscale portion of the native audience with something more refined than the current generic comedy for adolescents, the "gross-out" film.

This is both fruitful and baneful. Only one gross scene occurs in *Cousins*, involving two obligatory bits of vulgarity near the film's opening—just in case any fourteen-year-olds wander in and need to be reassured. But nothing too refined or intelligent occurs either. "Americanization" can roughly be translated into the new dominant Hollywood aesthetic for yuppie audiences: bland is beautiful. As a result, *Cousins* is better than most

American comedies, but nowhere near a good French one.

The best element in the film is the scenery, with plentiful use of spectacular backdrops in Vancouver, British Columbia. There was no special reason to film in Canada, except for an aggressive local film office luring American production teams northwest and eager technical crews looking for contracts. Canadians make money the old-fashioned way: they work for it. Here this results in our access to some delightful views of the colorful ethnic variety in Western Canada, an old Chinatown, some prim Victorian suburbs, a few hemlocked beaches, and many long narrow Pacific inlets—really just fjords at western longitudes.

The leading scenic attraction of *Cousins* is Isabella Rosellini, one of the greatest tributes to genetics in film, or perhaps all human history. From her mother, Ingrid Bergman, she derives her shy smile, rounded face, bemused laugh, and giant, planetary luminous eyes. From her father, Roberto Rosellini, she inherits dark, melancholy Italianate features that make her smile, if possible, even more radiant. Watching her work with even a mediocre script is a pleasure not to be dismissed.

Rosellini does well as Maria, the wholesome wife of a BMW salesman, the constant philanderer Tom (William Peterson, who makes obnoxiousness bearable, even pitiable). At a wedding scene (there are three in the film, for, as someone observes, weddings are big business these days), she meets Larry (Ted Danson, of NBC's "Cheers"). They become aware that Larry's wife (Sean Young) has fallen for Tom's dubious charms. Ros-

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ellini and Danson, enact, at first absentmindedly, a mild revenge—long Platonic talks, fjord swims, and exchanges of gifts that they know each other's partner despises. They have naughty but chaste fun by not being naughty—until, at last, more serious romance evolves.

Danson is competent but not charismatic. His massive, chiseled face is a cubist's dream, but he is not the romantic lead this film needed. His drawbacks, and the plot's flimsiness, make one lose interest midway through. One character also bores immediately, Keith Coogan as Danson's punk teenage son, who utters some very cuttable lines about Uzi submachine guns. For some quaint reason, many critics think the part funny.

What keeps the comic soap opera going is some tart writing and a (mostly) good supporting cast. Both work to keep the film's lyricism in counterpoint with its humor. Director Joel Schumacher and screenwriter Stephen Metcalf sometimes give their ensemble sweetly camp material, especially in a fine satire on contemporary marriages in a scene at a Disney-style "Weddingland." Sean Young is good, even simply as a physical contrast to Rosellini: she's tautly built, with sharp features and strongly lined mouth that complements the former's poetic roundness. Norma Aleandro (of *The Official Story*) is also enjoyably stalwart as Rosellini's mother in a *Moonstruck* mode, providing plenty of *momma mias* at romantic goings on. She has her own affairs too, from a strange knack of always marrying men about to die, which prompts the film's best line from Gina De Angelis as a salty grandma.

At its best, *Cousins* is diverting froth. That's about as good as it gets—or about as good as it can, given Hollywood's sense of what an intelligent audience will buy these days. While our country grants ever more college degrees, our media remain gun-shy of the slightest bit of real sophistication.

TOM O'BRIEN

Roy Shepard

Hubris In March

There is an instant before the vernal equinox
when I would like to decide.

Shoots crack through my crust
that try as I might cannot
be stopped.

Another seedtime, another harvest
shall not cease.

But in March just before
all heaven breaks loose,
I would hold back the dawn,
trample daffodils, choose
void over Word.

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Under a rosy microscope: Dr. Freud

Peter Gay, known for his previous works on the Enlightenment and Victorian culture, has produced his most important work to date and the best biography of Freud yet written. For over thirty years, he has built his reputation as a seasoned scholar by articulating the broad sweep of forces affecting Western culture. Now we have his *Freud*, more narrowly focused on a single life, but revealing the source of Gay's true passion: how psychoanalysis has helped us interpret the inner working of individual personalities, known and unknown, in the creation of modern society. The book is at once objective in its exhaustive analysis of archival documents and hagiographic in its final conclusion that Freud was indeed the great genius he believed himself to be.

The opening section treats Freud's early medical training and marriage to Martha Bernays, before turning to Freud's collaboration with, then separation from, the Viennese psychopathologist, Josef Breuer. The early years of "splendid isolation," and self-analysis are chronicled through Freud's correspondence with the Berlin physician Wilhelm Fliess; and the end of the Fliess affair marks the beginning of Freud's relationship with Carl Jung, the Swiss psychiatrist, who soon became heir-apparent to the psychoanalytic throne. During this period, psychoanalysis emerged as an international movement and Freud developed his oftentimes contentious relationships with an expanding group of followers and associates. Freud's most famous cases are examined—Dora, Schreber, Little Hans, The Rat Man, and The Wolf Man—and Freud's various works are analyzed, great and small, on method, on the movement, and on the application of psychoanalysis to culture, religion, and philosophy.

FREUD

A Life for Our Time

Peter Gay

Norton, \$25, 810 pp.

Eugene Taylor

Gay produces a major section on Freud and the psychology of women, concluding that psychoanalysis proved weak in understanding the feminine psyche, and he discusses Anna, Freud's spinster daughter, who functionally inherited her father's mantle as leader of the psychoanalytic cause. No detail is spared concerning Freud's illnesses, which became acute in 1923 with the first operations for nasal cancer. Freud endured repeated surgery and was forced to live with a painful prosthesis for the last sixteen years of his life. The end is dramatically presented. Freud fled from Nazi-occupied Vienna in 1938 and died in London a year and a half later, at age 83.

The general reader will be swept away by the depth of historical vision Gay brings in as background to a singular life so well written. Clinicians will appreciate the acute psychological representation of Freud's major ideas. Scholars will be drawn to the dense, thirty-eight-page bibliographic essay, which they no doubt will mine for a long time to come.

But by virtue of its eloquence, the work is also seductively convincing. Subtly, perhaps unwittingly, Gay breathes continued life into a number of myths about Freud and his methods.

First, "Is psychoanalysis really a science?" Freud asserted and Gay accepts his hypothesis as fact, although the claim remains largely based on clinical observation and literary evidence. For decades, non-analysts have been asking for hard data and little has been forthcoming. The problem may be that Freud evolved a

workable and teachable language of inner experience, part generic to modern personality, and part generic to his own unconscious. No external standard exists to separate the two; hence, Freud's personal symbol system has been widely taken up in psychoanalytic practice, thus hypostatized to the level of empirical evidence, and offered as "science." No one believes it but those for whom it has already become a working system.

Freud himself advocated psychoanalysis as a science independent of, and therefore at least equal to, neurology and psychiatry. Perhaps it was an absurd conclusion. Yet his assertion that it was science and not religion made psychoanalysis the only system for understanding the dynamics of inner experience to survive the modern positivist onslaught. For this modern depth psychologists are in his debt, but at the present time, this is the most that can be said.

A second myth that this book perpetuates is the view that Jung owed some kind of subservient debt to Freud. Professor Gay hides the essentially irrational nature of the Freud-Jung relationship in reasoned objectivity that gives more credit for sanity to Freud than to Jung. This conclusion is undeserved, because the real nature of their interaction was obscured in excessive mutual projection. Like any marriage gone awry, when they became divorced, the one who showed overt neurosis may have been only acting out for the both of them. Jung may have dutifully succumbed to the father-complex, called himself a son and a disciple, but at the same time, Freud's own narcissistic neurosis required that he treat all his disciples simultaneously as patients and as offspring who should show the proper measure of subservient infantilism. In this respect, Freud tried but never succeeded completely in getting Jung to accept these projections.

Gay does suggest that Jung never said anything to Freud at the end of their relationship that he had not already said at the beginning. But he does not acknowledge that, after surveying the European psychiatric situation in the early 1900s, Jung sided with Freud as the nearest kind of depth-psychology to his more exotic, but more awakened interpretation of the spiritual dimension of inner life. Freud, for his part, tolerated Jung's eccentric ideas because he desperately needed Jung to prove

that psychoanalysis was more than just a Jewish Viennese movement. But in the end, Gay points out that the anti-Semitic note resurfaced as one of the key rationalizations of Freud and his remaining Viennese followers against Jung and the entire Swiss circle. If there is no crisis when the son finally leaves home, then both father and son will invent one. Thus their parting had to be a bloody one. Freud, in fact, treated all those who were his intellectual equals and close friends the same way.

These lights were driven away and all that remained were the lesser personalities.

But by this analysis, I do not mean to detract from the important function of myth. Myths may be attacked as false by the more materialistically minded of us, but they also are outward signs of the way the mind vivifies the world of matter with its own inner experience. Myths live because they allow commerce between inner and outer realities, because they address questions that elude the domain of the merely rational. Each generation must fashion the myths by which it lives. Psychoanalysis took on such proportions, even in Freud's lifetime.

Now, in the last twenty-five years the mythic infrastructure that surrounded the Freudian empire has begun to dissolve. In its place, young intellectuals of the new generation have developed an interest in the religious and philosophical traditions of Asia. In the 1930s psychoanalysis may have been in vogue, but for those in the postwar baby boom generation who participated in the counterculture movement of the 1960s, the introduction to inner experience has been through meditation. Small enough in number, and only a brief flirtation, the pundits will say. Yet, for an entire generation reacting against the dominance of European-based American high culture, the break was irrevocable. A crack appeared in the foundation of the giant dam and unbroken continuity with the past could no longer be assumed. The Western analytic tradition proved ineffectual in addressing the burning questions of a new generation that had embarked collectively on an inner spiritual quest.

Attention was drawn to the East because many of the Asian systems have embedded within them a depth psychology at least equal in sophistication to those produced in the West. American popular philosophy has long been influenced by this alternative reality tradition. But the high priests of culture always have dismissed such interests as inconsequential. Counter-culture involvement in Eastern religion and philosophy was viewed as a passing fad. Now, however, the center of world finance has shifted to the Asian rim. Major realignments within American business and industry are already underway, and a more subtle but enduring cross-

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cultural exchange in science, the arts, and literature may yet follow. Given the enormous implications of such a shift in cultural context, and considering the unknown outcome of a major revolution now going on in the neurosciences related to the problem of consciousness, any sophisticated depth-psychology of the future may be so radically different that it

is not likely to have Freud's name associated with it.

Taken in this vein, *Freud, a Life for Our Time* may not only be the best biography of Freud yet written; as far as an older generation of eloquent and sympathetic adherents for whom psychoanalysis was the great vehicle of inner exploration, it may also be the last. □

GOLDEN OLDIES AREN'T ENOUGH

OUR CHILDREN AND OUR COUNTRY

William J. Bennett

Simon and Schuster, \$19.95, 234 pp.

Dennis O'Brien

Ronald Reagan entered office with a pledge to abolish the Department of Education; he came to the end of his term with a Secretary of Education, William J. Bennett, who was the most articulate and visible apologist for the Reagan years. If Teddy Roosevelt found the presidency "a bully pulpit," Secretary Bennett seemed to his critics to have used his cabinet office as a "bullying pulpit" to castigate the educational establishment. *Our Children and Our Country* is a collection of major addresses from the secretary which contain his now familiar attacks on the economic inefficiencies and cultural deficiencies of education from K through Ph.D.

The main burden of this collection is not economics but the cultural betrayal of American schooling. American elementary schools have abandoned character; American colleges, the classics. On the occasion of Harvard's 350th birthday Bennett, as the highest education official in the land, was given a ripe opportunity to bully his favorite institutional target. He found the spokesmen of higher education "exceedingly pious, self-congratulatory, and suffused with an aura of moral superiority." They invoke the mission of the

university as if they were reciting "the Nicene Creed." As for Harvard's much-celebrated core curriculum reform, he regarded it as at best a "symbolic nod" toward proper culture.

I have written in various places about the inadequacy of Bennett's broadsides on the economic status of colleges—"filthy rich" was I believe the elegant rhetoric of his assistant, Bruce Carnes. (President Stephen Trachtenberg pointed out *his* institution was Hartford not Harvard.) Whether U.S. education is economically fat I leave to another forum. What about the lean curriculum?

Bennett ends this collection with an address to the Heritage Foundation entitled "The Future of American Conservatism." He claims that it is conservatism which now sets the terms of our national debate. It is certainly "conservatism" which sets the theme of Bennett's general attack on American schools. Thus it is no surprise that the book comes with a strong endorsement from Jack Kemp; it may surprise some readers of *Commonweal* that the book jacket also carries an endorsement from Walker Percy. It is worth considering why the Bennett conservative agenda appeals to a sensibility as genuinely Catholic as Percy's.

The current debate about proper schooling is difficult to state because all the easy labels are so fraught with polemic that half of the audience is likely to abandon rational thought in the first paragraph. "Conservative" is a bad word for "liberals" and the recent presidential campaign



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almost banished the "L-word" from polite conversation. Let me resort to medieval nomenclature and pretend that what we have is a replay of the perennial scholastic quarrel between the *antiqui* and the *moderni*. Bennett is of the *antiqui*.

The salient principles of the *antiqui* are character and classics. The two are inti-

mately connected. Bennett argues that the elementary schools have abandoned moral standards by abjuring character formation. Instead of applauding "classical" models of high character, we get courses in "values clarification" that manage to clarify moral choice down to zero. Colleges and universities betray the central

democratic values of Western civilization by downplaying its great classics as "sexist, elitist, imperialist, bourgeois, ethnocentric, racist, selfish, and solipsistic" (a litany of epithets applied to Bennett's earlier book, *To Reclaim a Legacy*, during a 1986 symposium held at Yale University).

The uniting concept between character and classics is *history*, and Bennett repeatedly inveighs against the historical ignorance of students at all levels and advocates a deep dose of the past in his own curricular suggestions. To understand the centrality of history one must turn to the assumptions of the *moderni*. Our modern *moderni* are the direct descendants of that most unhistorical cultural moment, the Enlightenment. It was the *philosophes* who could be said to have invented the "L-word" and the spirit of education, high and low, to which Bennett takes vehement objection.

Condorcet is a typical spokesman; he wrote a book on "The Progress of the Human Mind." So if there is *progress* of the human mind, it would seem to leave those old classics out of mind. It certainly left out the "Middle Ages" (an Enlightenment coinage for the dark period between Greek rationality and modern science). For the *philosophes*, it is not history that gives the clue to the action—history is a record of priestcraft and oppression—rather, it is reason that discovers the moral law above the sorry record of the past.

The *philosophes* had a powerful model for their rational transcendence of history: the rise of natural science. On physics the *antiqui* had it all wrong. If Aristotle misplaced the earth in the universe, why should one trust him on ethics? Moral law was to be rationally discovered in the manner of physical law and then applied to the progress of humankind. Ethics is up for rational grabs in every generation. Bennett quotes Jefferson, an ardent follower of the French enlightenment: "The earth belongs to the living." Bennett prefers Madison's taste for continuity.

This is a deep quarrel. Basically, I think Bennett is correct: morality is historical. Character is the subject matter of ethics and character is a product of time, not the rational insight of a moment. We are not ethically bright enough to discover the

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moral law each generation; piling up past experience in "classical" wisdom may well be the best way to move beyond bumper-sticker moral philosophy.

The principal defect of Bennett's general critique of education, however, is that it fails to come to terms with natural science. He thinks education can be done on the cheap because he is fixated on reading Plato—not only a worthy notion but requiring very little high-tech gadgetry. And if he cannot seem to fit the curricular costs of modern science into his scheme, he glosses over the profound

challenge to classical assumptions injected into intellectual life by the rise of science.

The present volume is an "occasional" book, a collection of public addresses. When he resigned from the Reagan cabinet, Bennett announced his intention to write another book on education. His appointment as "drug czar" by Bush may postpone his intention. If and when Bennett writes on education again, I hope he engages the argument on a level beyond the well-placed polemic of this text. There are no easy formulae for a philosophy of modern education.

WHERE GOD IS THE SUBJECT

EASTER IN ORDINARY

Reflections on Human Experience and the Knowledge of God

Nicholas Lash

University of Virginia, \$29.95 313 pp.

Michael J. Himes

This is, quite simply, the finest new book in theology that I have read in the last year. Nicholas Lash, the Norris-Hulse professor of divinity at Cambridge University, has written several important works over the past twenty years on eucharistic theology, doctrinal development, and church authority. Most recently, he has given us two volumes of selected essays, *Theology on Dover Beach* (Paulist Press, 1979) and *Theology on the Way to Emmaus* (SCM Press, 1986), and the deservedly praised, *A Matter of Hope: A Theologian's Reflections on Karl Marx* (Notre Dame Press, 1982). This new book is in every way worthy of its predecessors.

The book converses, first critically and then constructively, with a number of nineteenth- and twentieth-century religious thinkers. The first conversation partner is William James. Concentrating on *The Varieties of Religious Experience* and *A Pluralistic Universe* but ranging widely

through James's writings, Lash argues that James assumed the severed ego of Cartesian dualism which he so often criticized. He suggests that this tacit assumption underlies James's individualism and leads to a privatized notion of religious experience as a form of heightened individual feeling. This results in a religion which devalues historical and institutional forms, avoids the risks of vigorous inquiry, and "contracts into those private temples of the heart in which, unwittingly, we worship either an idea or a ghost." Such treatment distorts the understanding of both the person and God. The central concern of this book is to clarify these two terms and so yield a more adequate account of religious experience.

To accomplish this, Lash broadens the conversation to include Friedrich Schleiermacher, John Henry Newman, Friedrich von Hügel, Martin Buber, and Karl Rahner. His discussions of Schleiermacher is brief but extremely insightful. Readers of Lash's earlier books will not be surprised at his excellent exposition of Newman. But von Hügel and Buber play the central roles here.

Lash turns to von Hügel, especially to that unappreciated masterpiece, *The Mystical Element of Religion*, to assist in expanding the meaning of person. Von Hügel's description of Christianity as a school for authentic personhood is rooted



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in his analysis of religion as the balance of three elements, the historical-institutional, the critical-speculative, and the mystical-operative. These elements correspond to needs within the developing person. This, Lash contends, provides a richer vision of the person and of religious experience than James's, which von Hügel regarded as mistaken in its attempt to isolate religion from its historical environment and from intellectual criticism. The insistence that all three elements are continuously interacting means that the religious is not a particular kind of experience but an ingredient of all experience. Religion can never be used as a retreat from reality.

Is this religious experience an experience of God? To answer that question, Lash enlists Martin Buber in formulating an interpretation of experience that uses the category of relationship. Both von Hügel and Buber maintain that "God is not, and can never be, one of a number of possible objects of consideration and use, nor is relation with God one of a number of possible human loves." But for Lash, Buber corrects von Hügel's inattention to the political and social consequences of his position. And also corrects the ease with which von Hügel engaged in God-talk. If God is always You and never It, in Buber's terms, then God can only be addressed, never discussed. God-talk is properly prayer, not theology.

Yet speech about God goes on unavoidably. Lash proposes that such language can avoid blasphemously reducing God to an It by following the pattern of the Trinity—provided, that is, the doctrine is understood "to function more like a set of rules or protocols for Christian speech and less like a set of descriptive claims or propositions." What is needed is a distinction that we can experience but which is not a difference between things. Lash locates that distinction in our experience of communion or lack of communion with others. Being in love with another obviously makes a difference, and yet it makes no *particular* difference; it alters everything without changing anything. The fragile and rare experience of true human communion is the least distorting symbol for God. This means that the attempt to reach some understanding of what is meant by "God" can only be by way of what

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As one expects of Lash, the book is lucidly written. That it is rigorous reading is due not to any obscurity of style, but to the intrinsic difficulty of the matter under discussion. This difficulty requires no apology, for as the author notes, one part of the theologian's task is to discipline the propensity of the pious imagination to hasty simplification. Discipline is an apt word here, for Lash is an intensely disciplined thinker. No questions are shirked, no objections brushed aside, no easy victories taken over straw men. One is always aware of the respect with which the author treats his subject, his sources, and his reader. And the demands placed upon the reader are richly repaid. This excellent book is further evidence that Nicholas Lash may be the most acute, polished, and exciting Christian philosophical theologian at work today. □

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EUGENE TAYLOR, *lecturer, writer, and William James scholar, is currently an associate in psychiatry at Harvard Medical School and consultant in the history of psychiatry at Massachusetts General Hospital.*

DENNIS O'BRIEN *is president of the University of Rochester. His most recent book is God and the New Haven Railway (Beacon).*

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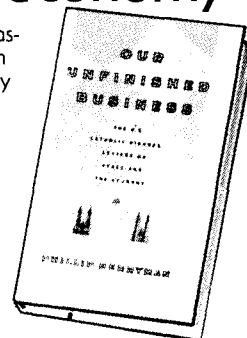
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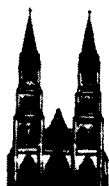
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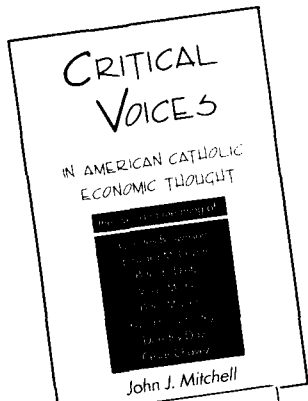
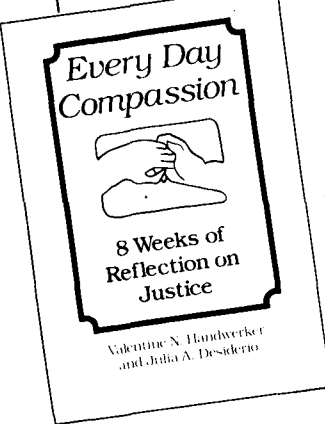
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THE CURRAN CASE

(Continued from page 165)

the Department of Theology without a canonical mission or, failing that, his right to teach Catholic Theology in another department within the University.

The University defends on several levels. It contends that while academic freedom exists as an important value at CUA, the Board of Trustees has never adopted a definition of academic freedom for inclusion in the Faculty Handbook, the document that defines the contractual relationship between the faculty member and the University. The University also contends that academic freedom, by any definition, is not absolute. In the context of this case, the University's position is that academic freedom is limited both by the discipline—the teaching of Catholic Theology—and by the nature of the institution in which the discipline is practiced—the Catholic University of America, a pontifical university chartered by Pope Leo XIII in 1899, which has maintained by choice for one hundred years what the University refers to as a "special relationship with the Holy See." To rule otherwise, according to the University, would be to violate its First Amendment right to the free exercise of its religious beliefs. Finally, the University argues that because of its papal charter and its ecclesiastical faculties, it is governed not only by civil law but also by canon law; and, to the extent that its actions in this case were dictated by authoritative interpretations of canon law, they are unreviewable and are beyond the legitimate exercise of jurisdiction by the civil courts.

Trial of this matter was held without a jury from December 14 to December 23, 1988. It is apparent that this dispute is merely a piece of a larger struggle that has been raging in Catholic higher education for many years. That struggle seeks to establish the proper role of academic freedom within an American Catholic university, which shares with all other American universities the goal of unfettered and robust academic inquiry in an environment free of external control, and at the same time shares with the Roman Catho-

lic Church a common bond of faith and a mission to preserve and protect the Church's doctrine. Nowhere is this tension between these two allegiances more acute than in the teaching of Catholic Theology at a Catholic university, perhaps especially at The Catholic University of America.

It is also apparent after seven days of trial that many of the parties and witnesses know considerably more than the Court about both academic freedom and the authoritative teachings of the Roman Catholic Church, which is not to say that there is unanimity on either subject. But it is the law of contract which must govern the decision in this case.

.....

Contract Interpretation The principal area of disagreement is over whether the contract includes a specific guarantee of academic freedom and the extent to which the University's customs and practices regarding academic freedom are part of the contractual relationship between the University and its faculty. If academic freedom, in one form or another, is an ingredient of the contractual relationship, the parties also disagree over whether there are limits on academic freedom at CUA and, if so, what those limits are.

.....

[A]s with any question of contract interpretation, if the contract is ambiguous, the court must determine what a reasonable person in the position of the parties would have thought the contract meant. In making that determination, the court looks to a number of factors:

"First, there is the presumption that the reasonable person knows all the circumstances surrounding the making of the contract. Secondly, the reasonable person is bound by all usages which either party knows or has reason to know. Thirdly, the reasonable person standard is applied both to the circumstances surrounding the contract and the course of conduct of the parties under the contract" (Citation Inter-county Construction Corp. v. District of Columbia).

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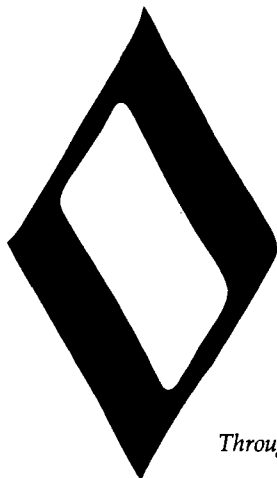
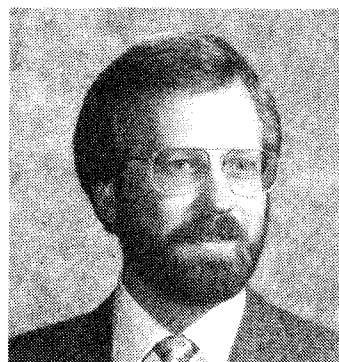
The 1988 Resolution If this were an ordinary case, and if Professor Curran had been dismissed for cause from

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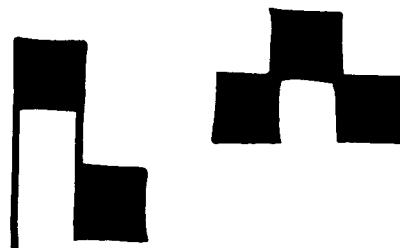
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the Department of Theology based on a judgment of his peers that he is not competent, the University would clearly have no duty to place him in any other Department.

But this is not an ordinary case. For one thing, in Professor Curran's most recent annual appointment letter in 1986, the University, for reasons that are not clear in the record, unilaterally changed his ap-

pointment from the Department of Theology to the School of Religious Studies. The School of Religious Studies includes the Department of Theology, but it also includes other Departments, which, unlike the Department of Theology, are not ecclesiastical faculties. More importantly, Professor Curran was not dismissed for cause after peer review of his competence. Throughout the proceedings lead-

ing up to the withdrawal of Curran's canonical mission, and in court, the University has consistently said that its actions were not based on a judgment of Curran's competence as a professor. They were based on the judgment of the Holy See that he is not "eligible" to exercise the function of a professor of Catholic Theology and the decision of the Board of Trustees to accept that judgment as binding on the University. The University Handbook does not address this situation, and there is no custom or practice at the University that can be looked at as a source for the contractual rights and duties of the parties in these unusual circumstances. The simple fact is that it has never happened before, at this University or anywhere else.

For these reasons, reference to the traditional norms of academic tenure is not dispositive of plaintiff's claims, and the court prefers to base its decision on other grounds. Like the rest of plaintiff's case, the question comes down to what the contract says and what the parties to it intended. It is fair to assume that neither party in 1970 or 1971 could have anticipated a judgment by the Holy See that was both as broad and as definitive as the Ratzinger letter. No one sat down and spelled out what the rights and obligations of the parties would be if the Holy See, in absolute and definitive terms, declared Curran "unsuitable" and "ineligible" to teach Catholic Theology. But certain things were unmistakably known and understood by the parties. For example, the parties knew that the University, in addition to its civil charter, had a pontifical charter from Pope Leo XIII in 1889. They knew that the Archbishop of Washington serves as the Chancellor of the University and that, under the Bylaws, the Chancellor acts as the liaison between the University and the National Council of Catholic Bishops and between the University and the Holy See. They knew that, under the Bylaws, the University's Board of Trustees consists of 40 trustees, 20 of whom must be Roman Catholic clerics, of whom 16 must be Bishops, and that the cleric members of the Board will usually include all of the Cardinals who are residential ordinaries in the American Catholic hierarchy. And they knew that all of the University's self-

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descriptions, in the Faculty Handbook and elsewhere, emphasized its unique relationship to the Holy See and its concomitant responsibility to the Roman Catholic Church.

No one—least of all a Catholic priest and a professor of Catholic Theology—could have contracted with CUA without understanding the University's special relationship with the Roman Catholic Church, with all of the implications and obligations flowing from that relationship. Indeed, Professor Curran testified that in fact he did understand at all relevant times that this special relationship existed. As much as he may have wished it otherwise, he could not reasonably have expected that the University would defy a definitive judgment of the Holy See that he was "unsuitable" and "ineligible" to teach Catholic Theology. Whether or not the University is correct that it was obligated to accept the declaration of the Holy See as a matter of canon law, it was surely bound to do so as a matter of religious conviction and pursuant to its long-standing, unique and freely chosen special relationship with the Holy See. Given the history and content of its relationship to the Holy See, CUA could not have given up its right to accept and act upon definitive judgments of the Holy See in its dealings with Professor Curran unless it did so explicitly, which it certainly did not do. The University did not breach its contract with Professor Curran by requiring him to teach courses other than Catholic Theology or, for that matter, by requiring him to agree to be bound by the declarations of the Holy See.

.....

Conclusion The bulk of plaintiff's proof at trial was historical. His burden, as he saw it, was to show that the events at CUA in the late 1960's had transformed the University into a place where academic freedom reigned supreme, to the exclusion of all else, including the obligations imposed on the University by virtue of its pontifical charter and its relationship with the Holy See. There is little doubt that the late 1960s was an extraordinary time at Catholic University. In many respects the events on that campus were a reflection of the turmoil on college campuses all across the country. These were

turbulent times, characterized by persistent testing of institutional limits on all forms of expression of individual freedom, including academic freedom. It is hardly surprising that the Catholic University of America, with its close ties to the Roman Catholic Church, found itself in the middle of these struggles. Nor is it surprising that many of the changes at the University—the Marlowe Committee report and its partial acceptance by the Board of Trustees, new statements about academic freedom at the University and

changes in the University's Bylaws and statutes, to list just a few—were directed at strengthening the independence and autonomy of the University and its faculty from interference by outside authorities, not the least of which was the Holy See. Internally, the University had to wrestle with its own ambivalence. On the one hand, it wanted to be recognized as a university—a Catholic university, to be sure—but a full-fledged American university nonetheless. On the other hand, it continued to place transcendent value on



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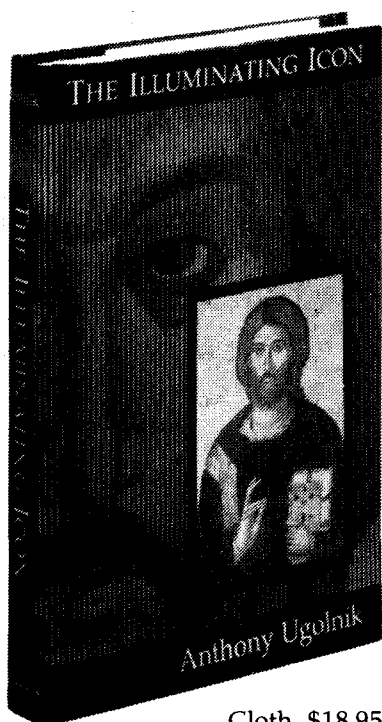
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its unique and special relationship with the Holy See. Perhaps it can fairly be said that the University wanted it both ways; but on most issues it can also be said that the University could have it both ways. On some issues—and this case certainly presents one of them—the conflict between the University's commitment to academic freedom and its unwavering fealty to the Holy See is direct and unavoidable. On such issues, the University may choose for itself on which side of that conflict it wants to come down, and nothing in its contract with Professor Curran or any other faculty member promises that it will always come down on the side of academic freedom.

Professor Curran has his own view of what this case is about, which is best expressed in his own words excerpted from his trial testimony:

"Q. You have asked this Court to order Catholic University to take you back and to permit you to teach theology at Catholic University. Why?"

"A. Because in the last analysis, I think it's not only good for me, but I think it's good for Catholic University. I told my colleagues on the Faculty Inquiry Committee that in the last analysis I wasn't on trial, but they were. And I still believe that very strongly."....

"A. ...What I want to prove, and I think we have to prove, and I think I have but others might disagree, is that ultimately even academic freedom for the Catholic theologian is ultimately for the good of the Church. That in the last analysis, academic freedom, itself, is for the good of the Church."

Maybe Professor Curran is right. But in adjudicating the breach of contract claim he brings to this court, what is good for Catholic University or for the Roman Catholic Church is not a question presented and not one the court has either the right or the competence to decide. The question presented is whether his contract gives him the right to teach Catholic Theology at Catholic University in the face of a definitive judgment by the Holy See that he is ineligible to do so. The court holds today that it does not. Whether that is ultimately good for the University or for the Church is something they have a right to decide for themselves. □

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The inventory is self-scored, and the priest will find concrete methods for self-esteem in Christ.

FOR FURTHER INFORMATION, CALL OR WRITE:

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